

Ordinance No. _____
Subdivision Regulation Amend. No. 06-04
Concerning: Streets and Roads –
Design Standards
Revised: 7-3-07 Draft No. 7
Introduced: December 12, 2006
Public Hearing: January 23, 2007
Adopted: July 3, 2007
Effective: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen, Council President Praisner,
and Councilmembers Trachtenberg and Ervin

AN AMENDMENT to the Subdivision Regulations to:

- (1) revise certain design standards for streets and roads; and
- (2) generally amend the subdivision regulations regarding standards for streets and roads.

By amending the following sections of the Montgomery County Code, Chapter 50:
Sections 50-1, 50-15, 50-24, ~~[[and]]~~ 50-26, 50-28, 50-29, and 50-35

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

OPINION

Subdivision Regulation Amendment (SRA) No. 06-04 was introduced on December 12, 2006, to revise certain design standards for streets and roads, and generally amend the subdivision regulations regarding standards for streets and roads.

The Montgomery County Planning Board in its report to the Council recommended that the SRA be approved with modifications.

The County Council held a public hearing on January 23, 2007, to receive testimony concerning the proposed SRA. The SRA was referred to the Transportation and Environment Committee for review and recommendation.

The Committee held worksessions on March 19, March 22, March 29, April 10, April 18, May 1, and June 14, 2007, to review the amendment. The Committee unanimously recommended enactment of the amendment with clarifying, terminological, and stylistic changes.

The District Council reviewed Subdivision Regulation Amendment No. 06-04 at meetings held on June 26 and July 3, 2007, and supported the recommendations of the Transportation and Environment Committee with one further amendment.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 06-04 will be approved as revised.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 **Article I. In General.**

3 **50-1. Definitions.**

4 * * *

5 [[*Crosswalk*: A dedicated or publicly owned right-of-way within a block
6 intended primarily for pedestrians, but which may include utilities where
7 necessary, and from which motor-propelled vehicles are excluded.]]

8 * * *

9 *Engineer*: a professional engineer registered in Maryland.

10 * * *

11 [[*Hammerhead*: The end of a cul-de-sac that has a 'T' shape, built to allow
12 vehicles to back around.]]

13 * * *

14 [[*Improvements*]] *Improvement, public*: Any of the following: Roads and
15 streets, alleys, grading, road pavement, curbs and gutters, sidewalks, [[crosswalks
16 and]] pedestrian ways or paths, water mains, sanitary sewer lines, water supply and
17 sewage disposal, storm sewer lines and drainage structures, curb returns, sidewalk
18 and driveway entrances in right-of-way, guard rails, retaining walls, sodding,
19 planting, monuments, street lights, and storm water management.

20 * * *

21 *Mid-block pedestrian path or way*: A dedicated or publicly owned right-of-
22 way within a block intended primarily for pedestrians, which may include utilities
23 where necessary, and from which motor vehicles are excluded.

24 * * *

25 *Right-of-way*: A strip of land occupied or intended to be occupied by a road,
26 [[crosswalk]] pedestrian path, railroad, electric transmission line, oil or gas
27 pipeline, water main, sanitary or storm sewer main, or for other special use. [[The

usage of the term "right-of-way" for]] For land platting purposes, [[in this district shall mean that]] every right-of-way [[hereafter established and]] shown on a record plat [[is to]] must be separate and distinct from [[the lots or parcels]] any adjoining [[such right-of-way]] lot or parcel, and not included [[within the dimensions or areas of such other lots or parcels]] in any other lot or parcel.
[[Rights]] Any right-of-way intended for roads, [[crosswalks]] pedestrian paths, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency[[, shall]] must be dedicated to public use by the maker of the plat on which [[such]] the right-of-way is established.

Road construction code: [The Montgomery County road construction code and standard specifications, as heretofore enacted and as hereafter amended or re-enacted] Article 3 of Chapter 49, and any regulation which implements that Article.

* * *

Plat: The [[linen]] record plat required for the land records of Montgomery County, in accordance with the specifications [[for the same contained]] in this Chapter.

* * *

Street width: The shortest distance between street lines, measured [[at right angles to the centerline of the street]] between the edges of pavement or curb faces, as appropriate.

* * *

Turnaround: the termination of a public street in the approximate shape of a "T", built to allow vehicles to reverse direction using a 3-point turn.

* * *

Article II. Plats

54 **50-15. [[Streets, etc.,]] Land dedicated to public use; abandonment of**
55 **subdivisions.**

56 (a) When [[the plats are so]] a plat is recorded, [[those portions of lands]]
57 land designated on the [[plats]] plat as [[drainage ways, paths, walks,
58 streets, roads, avenues, lanes, alleys and public parks or squares or
59 other areas]] a drainage way, path, walk, street, road, avenue, lane,

60 alley, public park or square, or other area dedicated to public use
61 [[shall be and the same are hereby declared to be forever]] must be
62 dedicated in perpetuity to public use[[,and shall not thereafter on any

63 pretext whatsoever,]]. Any land dedicated under this Section must not

64 be altered or taken for private use[[; provided, that nothing herein

65 contained shall affect]].

66 (b) Nothing in this Section affects the rights of any person owning or
67 claiming any interest in [[such]] land derived [[by,]] from [[or under

68 any persons]] any person other than [[the maker of such]] the person
69 who originally filed the plat, or [[by,]] from [[or under such maker

70 prior to such]] the original filer before subdivision[[; and provided

71 further, that the maker of any such]].

72 (c) The person who originally filed the plat, [[his heirs or assigns, shall

73 have the right to apply to abandon the dedicated land or the

74 subdivision of lands so made.]] any successor in interest, or the

75 County may petition to abandon any land dedicated under this

76 Section. [[In addition to the above-authorized petitioners, the county

77 is hereby authorized to file a petition to abandon any dedicated areas

78 above described.]]

79 (1) [[Where any such]] If the land has been in public use, the
80 [[county council]] Council may authorize the abandonment of

[[such]] all or part of the land or [[such]] subdivision [[in whole or in part in accordance with the provisions of article V, chapter 49, of this Code setting forth the procedure for the council's action]] as provided in Section 49-63.

(2) ~~[[Where any such]]~~ If the land has not been in public use, ~~[[Montgomery County Planning]]~~ the Board may authorize the abandonment of ~~[[such]]~~ all or part of the land or ~~[[such]]~~ subdivision ~~[[in whole or in part in accordance with the provisions of article V, chapter 49, of this Code setting forth the procedure for the planning board's action]]~~ as provided in Section 49-68.

[[(b) The provisions of article V of chapter 49 of this Code shall also apply to abandonments applied for under this section. Upon filing the initial petition for abandonment under this section, the petitioner shall serve a copy of such petition upon all agencies, municipal corporations and public utilities designated in article V, chapter 49, of this Code.]]

[[(c) The requirements of this section for the filing of abandonment petitions with the county council shall not affect such petitions which have been filed with the circuit court prior to December 10, 1974, under former provisions of this section and which are pending a final decision by that court. In the case of any such petition filed with the circuit court prior to December 10, 1974, and which is pending final decision by that court, the petitioner may elect to have the matter decided by the circuit court or may withdraw the petition and refile it with the county council under the provisions of this section.]]

**Article III. [Subdivision Regulations Generally] Approval and amendment of
subdivision plans.**

* * *

50-24. Required public improvements.

- (a) *Construction of new roads, sidewalks, etc.* The roads, streets, alleys, sidewalks and ~~[[crosswalks]]~~ pedestrian ways, with appurtenant drainage, street trees, and other integral facilities, in each new subdivision must be constructed by the subdivider or developer ~~[[under the specifications of]]~~ as specified in the road construction code or ~~[[the requirements of]]~~ required by a municipality, whichever ~~[[is applicable]]~~ applies. Sidewalks in connection with a tertiary street must be constructed as required in ~~[[accordance with]]~~ Section 50-26~~[[h) of this Chapter]]~~(f).

* * *

- (c) ~~[[Crosswalks and pedestrian]]~~ Pedestrian paths. Where a midblock ~~[[crosswalk or]]~~ pedestrian path is included in a subdivision plan and is dedicated to public use, the subdivider must grade and construct a paved walk in accordance with a plan approved by the Department of Permitting Services or the municipality and included in the permit for street paving.

- (d) *Storm drainage.* In connection with the street improvement program in every new subdivision, the subdivider must grade and provide drainage structures and storm sewers according to a plan approved by the Department of Permitting Services or the municipality in accordance with specifications in the latest applicable County Design Standards and County Storm Drain Criteria or of the [Department or] municipality, and specifications of the Washington Suburban Sanitary

Commission if the subdivision is located in the Washington Suburban Sanitary District.

* * *

(g) *Adequate public facilities.* All adequate public facilities requirements ~~[[shall]]~~ must be met as provided in Section 50-35~~[[j]]~~(k).

(h) *Installation of improvements.* All public improvements ~~[[shall]]~~ must be completed or assured as provided in ~~[[subsection (g) of]]~~ Section 50-37~~(g)~~.

* * *

(l) *Traffic calming.* The Planning Board may require any traffic calming feature, as defined in Section 49-30, as a condition of subdivision approval.

(m) *Private roads.* The Planning Board may waive any otherwise applicable requirement for any private road that would be constructed under an approved preliminary subdivision or site plan.

50-26. Roads and streets — Design standards.

(a) [*Minimum widths of rights-of-way.* Except in cases where the master plan of highways or other adopted street plan specifies a greater or lesser width, minimum rights-of-way shall be as follows. Wider rights-of-way may be required by the Board when necessary to handle anticipated traffic or to allow for special construction problems or traffic situations:]

<i>[Type of Road]</i>	<i>Right-of-Way Width</i>
(1) Limited access freeways and	200 feet

parkways	
(2) Controlled major highways with frontage roads	180 feet
(3) Major Highways and arterial divided roadways	
(a) With enclosed drainage	120 feet
(b) With open drainage	120 feet plus right-of-way required for drainage designed pursuant to road construction code
(4) Secondary highways, arterial roads, business district streets and industrial streets	80 feet
(5) Primary residential streets	
(a) Undivided	70 feet
(b) Divided - enclosed drainage	100 feet
(c) Divided - open drainage	100 feet plus right-of-way required for drainage designed pursuant to road construction code
(6) Secondary residential streets and rural roads	
(a) Undivided	60 feet
(b) Divided - enclosed drainage	100 feet
(c) Divided - open drainage	100 feet plus right-of-

	way required for drainage designed pursuant to road construction code
(7) Tertiary residential streets	Variable, see subsection (h)
(8) Mid-block crosswalks	20 feet
(9) Cul-de-sac	
(a) Stem right-of-way	60 feet
(b) Circular section minimum diameter	120 feet
(10) Drainage rights-of-way	
(a) Enclosed	10 feet plus additional 10 feet during period of original construction
(b) Open	As required by road construction code design standards
(11) Alleys	20 feet]

Mid block pedestrian ways and drainage rights-of-way. The minimum right-of-way is: 20 feet for a mid-block pedestrian way; and 10 feet (plus an additional 10 feet during the period of original construction) for an enclosed drainage right-of-way.

[(b) *Grades and alignments.* Grades and alignments of platted County roads and streets must comply with the procedures and specifications of the road construction code, as administered by the Department of

Public Works and Transportation and permitted by the Department of Permitting Services. The Board must establish grades and alignments of other municipal roads within the Regional District.]

[(c) *Half-streets.* Half-streets will not be permitted, except where dedication is for widening of an existing publicly maintained County road and the remaining half of such road to the full width of right-of-way required under the road classification is free and clear of existing buildings or other structures to required building lines and the dedication or acquisition of such remainder is otherwise possible. Whenever there is an existing half-street adjacent to a tract to be subdivided, the other half of the street shall be platted and dedicated with such tract, unless otherwise determined by the Board.]

[(d)] (b) Culs-de-sac and [courts] [[hammerheads]] turnarounds. [With approval of the] The Board[,] may approve the installation of culs-de-sac or [[hammerheads]] turnarounds [may be used] when their use would produce an improved street layout [will result] because of the unusual shape, size or topography of the subdivision. [Unrestricted use of culs-de-sac shall not be permitted.] The Board must not approve any other cul-de-sac or [[hammerhead]] turnaround. A cul-de-sac or a street that would end in a [[hammerhead]] turnaround [shall] must not be longer than [five hundred (500)] 500 feet, measured on its centerline, unless, [by reason] because of property shape, size, topography, large lot size, or improved street alignment, the Board [may find] approves a greater length [to be justified].

[(e)] (c) Intersections.

- (1) Streets [shall] must be laid out so as to intersect as nearly as possible at right angles. [A] The Board must not approve a proposed intersection of two [(2)] new streets at an angle of less than [seventy (70)] 70 degrees [will not be acceptable].
- (2) The Board must approve the location of intersections with [arterial highways] arterials or major highways [shall be determined by the Board] in a [manner] layout that [will discourage] discourages the movement of through traffic crossing [such] the arterial or major highway. [Proposed intersection with arterial or major highways shall] Except in a Metro Station Policy Area or Town Center Policy Area, as defined in the most recent County Growth Policy, or another area expressly identified in a Council resolution, proposed intersections with an arterial or major highway must be spaced no closer together than [six hundred (600)] 600 feet.
- (3) The corner lots at an intersection [shall] must be truncated by straight lines joining points [twenty-five (25)] 25 feet back from the theoretical property line intersection in each quadrant. In any case where more or less width is [deemed necessary to provide] needed for safe sight distance or [for] traffic channelization, the Board [shall] may specify a greater or lesser cut-off than [the normal cited above] otherwise required. [Alley intersections and] Any alley intersection or abrupt [changes] change in alignment [within] in a block [shall] must have the corners cut off and widened sufficiently [to permit] for safe vehicular turning.

213 [(f)] (d) Horizontal alignment. In [the case of] primary, [and] secondary,
214 and tertiary residential streets and culs-de-sac, the alignment [shall]
215 must be designed so that all deflections in horizontal alignment [will
216 be] are accomplished through segments of circular curves properly
217 incorporated into the design. The minimum permitted centerline radii
218 [shall] must be [as follows]:

219 Primary streets 300 feet

220 Secondary streets 150 feet

221 Tertiary streets 100 feet

222 The Board [shall] must specify greater radii when safety requires. A
223 tangent at least [one hundred (100)] 100 feet long [shall] must be used
224 between two [(2)] reverse curves, except in [cases of] a secondary or
225 tertiary residential [streets] street.

226 [(g)] (e) Street names. [No street names shall be used which have not been
227 approved by the Board.] The Board must approve any street name
228 before it is used. The Board must not approve any street name which
229 is already used, or closely resembles any street name already used,
230 anywhere else in the County. If a new street is an extension of or in a
231 direct line with an existing street, the Board must continue the name
232 of the existing street.

233 [(h)] (f) Tertiary streets. [Section 49-34(f) of the County Code gives the
234 Planning Board the authority to determine when a tertiary street may
235 be used and to establish the right-of-way width.] The following

standards [will be applied] apply to any proposed tertiary [streets]
street:

(1) A tertiary street may be used only if [approved by] the Planning Board [at the time of] approves it in a preliminary subdivision plan [approval] or site plan [approval].

(2) [The standard right-of-way width of a tertiary street is fifty (50) feet. However, an applicant may voluntarily submit to site plan review and at that stage] In a site plan the Planning Board may approve a [lesser width] narrower than standard tertiary street if [it can be demonstrated that: (1) this lesser width] the Board finds that:

(A) a narrower street is environmentally [better, or (2) the limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site,] preferable and [this lesser width] either [(3)] improves compatibility with adjoining properties[,] or [(4)] allows better use of the parcel under consideration; or

(B) limits on development at that site would not allow the applicant to build the required number of MPDU's on site. [In no case shall the right-of-way be less than twenty-seven (27) feet four (4) inches for two-way traffic and twenty-one (21) feet four (4) inches for one-way traffic.]

[(3) Sidewalks must be provided on both sides of a tertiary street unless the Planning Board waives the requirement for one or

both sides of the street, based upon a finding that pedestrians will be able to safely use the roadway.]

50-28. Block design.

(a) *Residential blocks.* The Board must approve the length, width and shape of any residential ~~[[blocks shall be subject to approval by the board]]~~ block.

(1) *Length.* ~~[[Maximum]]~~ The maximum length of a block ordinarily ~~[[permitted]]~~ is ~~[[sixteen hundred (1600)]]~~ 1600 feet. ~~[[Approval of blocks in excess of sixteen hundred (1600) feet long will be granted]]~~ The Board may approve a block longer than 1600 feet only ~~[[where it is shown]]~~ if the applicant shows that ~~[[such a plan]]~~ this length is the only feasible way of subdividing.

(2) ~~[[Crosswalks. Crosswalks shall be provided]]~~ Pedestrian paths. The Board may require pedestrian paths for pedestrian access to schools, playgrounds, parks, and other public areas and through long blocks ~~[[where required by the board]]~~.

* * *

50-29. Lot design.

* * *

(b) *Additional requirements for residential lots.*

(1) ~~[[Midblock Crosswalks]]~~ Pedestrian paths or Alleys. ~~[[In cases where a]]~~ If midblock ~~[[crosswalk]]~~ pedestrian path or alley is provided in a residential subdivision, the lots adjoining ~~[[such crosswalk]]~~ the path or alley ~~[[shall]]~~ must be increased in width sufficient to provide for a side building restriction line

running parallel to ~~[[such crosswalk]]~~ the path or alley ~~[[and fifteen (15) feet therefrom]]~~ 15 feet from it.

* * *

50-35. Preliminary subdivision plans - Approval procedure.

- (a) *Referral of plan.* Immediately after receiving a proposed plan, the Director must send a copy to each of the following agencies, if that agency has a direct interest in the installation or maintenance of utilities, roads, or other public services that will serve the proposed subdivision, for the agency's recommendation with respect to the plan.

* * *

- (2) County Department of Public Works and Transportation, as to roads, streets, ~~[[crosswalks,]]~~ paths, and storm drainage.

* * *

- (d) *Road grade and road profile.* Before the Board finally approves a preliminary plan, the subdivider must furnish road~~[[, crosswalk]]~~ and pedestrian path grades and a street profile approved in preliminary form by the County Department of Public Works and Transportation.

* * *

Sec. 2. Effective date. This ordinance takes effect 91 days after the date of Council adoption.

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date